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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SOPHIA LOPEZ,

Plaintiff,

vs.

MARTHA JOHNSON, et al,

Defendants.

CASE NO. CV F 09-2174 LJO JLT

**ORDER TO GRANT PLAINTIFF RELIEF
FROM JUDGMENT**

(Doc. 12.)

Plaintiff seeks relief from dismissal of this action and claims that she satisfied in forma pauperis requirements. Review of the record reveals that plaintiff's January 7, 2010 Application to Proceed without Prepayment of Fees and Affidavit ("application") was overlooked. As such, this Court:

1. VACATES the findings and recommendations and order dismissing this action and the March 24, 2010 judgment;
2. DIRECTS the magistrate judge to review and act on the application; and
3. DIRECTS the clerk to reopen this action.

IT IS SO ORDERED.

Dated: April 16, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE